

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JAMES RIVER EQUIPMENT, VIRGINIA, LLC,

Plaintiff,

v.

CIVIL ACTION NO. 5:13-cv-28160

JUSTICE ENERGY COMPANY, INC.,

Defendant.

ORDER

The Court has reviewed the *Defendant Justice Energy Company, Inc.'s Written Statement Pursuant to Court's Order* (Document 64), filed on February 19, 2016, wherein the Defendant advised the Court that it is now in compliance with the terms of the Court's May 22, 2015 *Order*. The Court has also reviewed the *Joint Motion to Stay Action* (Document 62), wherein the parties advised the Court that they have agreed to a settlement of the Court's *Order* (Document 11) of January 21, 2014, under which the Defendant agreed to pay the Plaintiff the sum of \$180,000, in six monthly installments of \$30,000 beginning on November 1, 2015.¹ (Pl.'s Mot. to Stay, at ¶7.) According to the parties, the Defendant made monthly payments on November 1, 2015, and December 1, 2015. (*Id.*) However, the Defendant made no payments on either January 1, 2016, or February 1, 2016.² The Defendant subsequently made these payments on February 15, 2016.

¹ The January 21, 2014 *Order* found the Defendant in default, and assessed a judgment of \$156,112.16, along with legal interest thereon. The Court also entered an *Order* (Document 51) on May 22, 2015, assessing an additional \$4,527.45 in costs against the Defendant for the Plaintiff's fees, costs, and expenses in seeking to enforce the judgment.

² On January 5, 2016, the Court entered a *Memorandum Opinion and Order* (Document 59), granting in part the Plaintiff's *Second Motion for Contempt* (Document 53), and assessing a daily fine of \$30,000 until such time as the Defendant fully complied with the terms of the Court's *Order* of May 22, 2015. On the same date, the Court denied the Plaintiff's *Motion for Imprisonment of Officers and Directors*.

(*Id.* at ¶8.) Based on these recent payments, the parties agreed to move this Court to stay the present action. (*Id.*)

After careful consideration, the Court **ORDERS** that the *Joint Motion to Stay Action* (Document 62) be **GRANTED** and that all claims in this action against the Defendant, Justice Energy Company, Inc., be **STAYED** pending the Defendant's completion of the payment plan on or before April 1, 2016. The Court also **ORDERS** that the Plaintiff advise the Court of the status of the Defendant's compliance with the payment plan on March 1, 2016, and April 1, 2016. The Court further **ORDERS** that the ongoing sanction of \$30,000 per day against the Defendant for civil contempt, assessed pursuant to this Court's *Memorandum Opinion and Order* of January 5, 2016, be **STAYED** pending the Defendant's compliance with the payment plan, but automatically **REINSTATED** without further order from the Court if the Defendant fails to make timely payment pursuant to the terms of the payment plan. Finally, the Court **ORDERS** that judgment be entered against the Defendant, Justice Energy Company, Inc., in favor of the United States in the amount of one million two hundred thirty thousand dollars (\$1,230,000) representing the total amount of the sanction from the entry of the Court's *Memorandum Opinion and Order* on January 5, 2016, through February 14, 2016.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, to any unrepresented party, and to Carol Casto, United States Attorney for the Southern District of West Virginia.

ENTER: February 25, 2016


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA